

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.165 OF 2004

IN

WRIT PETITION NO.5495 OF 2000

 Office notes, office :
 Memoranda of Coram, :
 appearances, Court's : Court's or Judge's Orders
 orders or directions :
 & Registrar's orders. :

Mr. P.S. Dani for the
 applicant.

Ms. Preetam Tendulkar for the
 respondents.

CORAM: SMT. RANJANA DESAI, J.**DATED: 18TH AUGUST, 2005.****P.C.:-**

The applicant-petitioner is the original defendant in Regular Civil Suit No.124 of 1986. The suit was filed for eviction on the grounds of arrears of rent and permanent construction. According to the applicant, since there was no electricity in the suit premises, he made an application to the Maharashtra State Electricity Board for grant of an electricity connection. The Board directed the applicant to pay the

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charges. The applicant, thereafter, paid the necessary charges. However, the Board by its letter dated 30/1/2001 informed the applicant that the said connection cannot be given because the respondents have objected to it. A copy of the said letter is annexed to the Civil Application. In the circumstances, it is prayed that the applicant be permitted to take electricity connection from the Maharashtra State Electricity Board, City Division No.1, Nasik, in the suit house at his own cost and the applicant be permitted to use the electricity from the said connection. The respondents have filed an affidavit in reply raising their objection to the grant of such electricity connection.

I have heard the learned counsel for the parties. In my opinion, since electricity is an essential amenity, the applicant cannot be deprived of it. The applicant can be permitted to install the electricity meter at his own cost and use the electricity

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on the condition that he pays the electricity bills. This arrangement will be without prejudice to the rights and contentions of both sides and subject to the final decision of the writ petition. In my opinion, the following order will serve the ends of justice.

O R D E R

"The respondents shall permit the applicant to install an electricity meter and electric connection at his own cost in the suit premises and use electricity subject to the condition that the applicant goes on paying the electricity bills. It is clarified that this interim arrangement is without prejudice to the rights and contentions of both sides. The connection can obviously be in the name of the applicant. This arrangement will be subject to the final decision of the writ petition.

Civil application is disposed of".

(SMT. RANJANA DESAI, J.)